IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20067 of 2004

Between:

K.A. Rawoof S/o Fakruddin,
Conductor, E.No.575596,

R/o Near Annapurna Hotel,

Nehrunagar, Kothacheruvu Village,

Ananthapur District

..... PETITIONER

AND

The Depot Manager, APSRTC.,

Puttaparthi Depot, Puttaparthi, Ananthapur District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or directions more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the proceedings of the respondent vide his proceedings No. P3/P1/95 (6)/01-PTP dated 6-7-2004 as illegal, arbitrary and in violation of Principles of natural justice and in violation of Art. 14 and 21 of the Constitution of India and consequently direct the respondent to add one annual increment to the pay of the petitioner.

For the Petitioner :Mr. G.B.S.S.PAPA RAO.

For the Respondent : Mr. P.VINAYAKA SWAMY, S.C. for APSRTC

The Court at the stage of admission made the following ORDER :

The petitioner is working as a Conductor in the respondent-Corporation. A charge sheet was issued to him on 25-6-2001 for cash and ticket irregularities. The petitioner submitted his explanation. The grievance of the petitioner is that the respondent without considering the circumstances explained by him through his explanation and without conducting any enquiry passed the impugned order stopping one annual increment with cumulative effect. The petitioner, therefore, approached this Court through this Writ Petition to declare the proceedings of the respondent dated 06-07-2004 as illegal, arbitrary and violative of the principles of natural justice.

The petitioner contends that the punishment imposed on him is a major penalty. It cannot be imposed without conducting any enquiry. The respondent without conducting any enquiry imposed the said punishment. Therefore, it amounts to violation of the rules as well as the principles of natural justice. The respondent did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated
06-07-2004 is not sustainable under law.

Having regard to the facts and circumstances of the case, I am inclined to modify the punishment of stoppage of one increment with cumulative effect imposed on the petitioner into one of stoppage of one increment without cumulative effect.

Accordingly, the Writ Petition is disposed of.

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(Dr.G.YETHIRAJULU,J)

2nd November, 2004.

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To

1. The Depot Manager,

APSRTC.,

Puttaparthi Depot,

Puttaparthi, Ananthapur District

2. Two CD copies.